

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN MARCUS RUDEBUSH,

Plaintiff,

v.

BARBARA RUDEBUSH,

Defendant.

ORDER

Case No. 15-cv-446-jdp

Plaintiff Damien Rudebush, a resident confined at the Sand Ridge Secure Treatment Center pursuant to Wis. Stat. ch. 980, has filed a proposed civil complaint. Plaintiff has filed a motion for leave to proceed without prepayment of fees along with certified resident account statement for the six-month period preceding the filing of the complaint. Accordingly, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 fee for filing this case.

This court uses one method for determining the indigent status of all institutionalized persons, even those like plaintiff who are not subject to the 1996 Prison Litigation Reform Act. *See Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Using information for the relevant time period from plaintiff's resident account statement, I calculate an initial partial filing fee of \$28.35. For this case to proceed, plaintiff must submit this amount on or before August 11, 2015.

ORDER

IT IS ORDERED that:

1. Plaintiff Damien Marcus Rudebush is assessed \$28.35 as an initial partial payment of the \$350 fee for filing this case as an indigent litigant. He shall submit a check or money order made payable to the "Clerk of Court" in the amount of \$28.35 on or before August 11, 2015.

2. Plaintiff is advised that if he fails to comply as directed, or show cause of his failure to do so, the court will assume that plaintiff does not wish to proceed and he will be dismissed without further notice.

3. No further action will be taken in this case until the court receives plaintiff's initial partial filing fees as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 21st day of July, 2015.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge